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Attorneys for Nugget Construction Co.
Inc. and USF&G, Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA for the use of
NORTH STAR TERMINAL & STEVEDORE
COMPANY, d/b/a NORTHERN STEVEDORING
& HANDLING, and NORTH STAR TERMINAL &
STEVEDORING COMPANY, d/b/a Northern
Stevedoring & Handling, on its own behalf,

Plaintiff,

and

UNITED STATE OF AMERICA for the use of
SHORESIDE PETROLEUM INC., d/b/a Marathon
Fuel Service, and SHORESIDE PETROLEUM
INC., d/b/a Marathon Fuel Service, on its own
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION INC.; SPENCER
ROCK PRODUCTS INC.; UNITED STATES
FIDELITY AND GUARANTY COMPANY; and
ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-00009-TMB

JOINT PROPOSED VOIR
DIRE QUESTIONS

JOINT PROPOSED VOIR DIRE QUESTIONS

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3 1. Does anyone know someone who works for, or has worked for in
4 the past, North Star, Spencer Rock Products, Nugget Construction, or United States
5 Fidelity and Guaranty?

6
7 2. Is anyone familiar with any of these entities?

8
9 3. Do any of you know Mr. Robert LaPore?

10
11 4. Do any of you know any of the lawyers in the courtroom?

12
13 5. Is anyone familiar with the Homer Spit extension and repair project,
14 which was built in 1997-1998?

15
16 6. Does anyone live in Homer, or has anyone lived in Homer within
17 the last 10 years?

18
19 7. Does anyone live in Seward, or has anyone lived in Seward within
20 the last 10 years? If so, are you aware of when the cruise ships come into Seward in
21 the summer?

22
23 8. Has anyone, or anyone in their immediate family, ever worked in
24 the construction industry?

25 9. Has anyone, or anyone in their immediate family, ever worked in
the stevedore business?

1 10. Has anyone, or anyone in their immediate family, ever worked in
2 the rock quarrying business?

3
4 11. Has anyone, or anyone in their immediate family, ever worked for
5 the Army Corps of Engineers?

6 12. Has anyone, or anyone in their immediate family, ever worked for
7 the Federal Government?

8
9 13. Is anyone a member of a union? Is your significant other a member
10 of a union?

11
12 14. Does anyone, or anyone in their immediate family, belong to any
13 clubs or social organizations, like the Elks, Rotary, etc.?

14
15 15. Has anyone achieved a degree beyond high school? [Follow up
16 with what degree and from where.]

17
18 16. Does anyone, or anyone in their immediate family, own a small
19 business?

20 17. Has anyone ever owned, or worked for, a business that failed? If
21 so, why did it fail?

22
23 18. Has anyone ever cosigned on a loan for another person?

1 19. If you did, were you ever responsible for paying off all or a portion
2 of the loan because the other person failed to make payments?

3 20. Has anyone ever been involved in a lawsuit? [Follow up with the
4 nature of the suit, whether they were plaintiff or defendant, and the outcome of the
5 case].
6

7 21. This case involves someone not fulfilling contractual obligations.
8 Does anyone feel that contracts are not always binding? Do you think you can choose
9 to not pay someone for services they have provided as required under a contract?
10

11 22. Does anyone believe that people cannot remember accurately
12 business events that occurred more than 10 years ago?
13

14 23. Does anyone believe that documents written 10 years ago will be
15 more accurate than a witness' memory?
16

17 24. Does anyone believe that witnesses are capable of lying under oath
18 in court? If so, can you tell when someone is lying?
19

20 25. It is the jury's responsibility to determine the facts of this case, and
21 then to apply those facts to the law given to you by the judge prior to your deliberations.
22 Does anyone believe that they will have difficulty following the law, even if they do not
23 think it is correct?
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26. Have anyone here ever been in a dispute with a contractor?

27. How are you employed? What do you like about your job? What frustrates you about your job?

28. Has anyone ever worked in the debt collection field?

29. Has anyone ever worked in a credit application department? What did you look at?

30. Has anyone worked in accounting?

31. Has anyone ever filled out a credit application or sought a line of credit? Why?

32. Has anyone, or anyone in your immediate family, ever executed a surety bond?

33. Has anyone, or anyone in your immediate family, had to reimburse a surety for paying money to a third person

34. Has anyone ever been involved in a dispute with an insurance company or a surety company? Can you describe the dispute and how it was resolved?

NUGGET'S PROPOSED VOIR DIRE QUESTIONS

1. Has anyone, or anyone in their immediate family, served in the military?
2. Does anyone believe that someone's failure to perform his/her contractual obligations can be excused because they turn out to not be capable of performing as promised?
3. Has anyone here been asked to pay a debt for someone else even though you weren't responsible for the debt? How did you feel about that?
4. Has anyone not been paid on a debt? Did you try to get someone other than the person who owed the debt to pay you the money owed? Why or why not?
5. Have you ever had to withhold money from a bill because the person performing the services or providing the goods did not properly perform? Did you think that was justified? Why?
6. Did you think it was important to be truthful in filling out an application for a line of credit?

NORTH STAR'S PROPOSED VOIR DIRE QUESTIONS

1. Do you think that people should pay for services that benefit them?

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2. Do you think that you should get valuable services for free?

3. How do you feel about people who keep secrets about things that affect you?

4. Have you ever been harmed by someone who kept a secret about something that affected you?

5. Do you think that businesses should keep contracts secret when the secret contract hurts other businesses?

6. Has anyone ever offered to assist you, but ended up making your situation worse?

7. Do you know someone who works for Metco or Shoreside Petroleum?

1 Dated: July 30, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2007, a true and correct copy of the foregoing was served electronically on:

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